

*Item 56*  
*01/25/2022*

(O-2022-74)  
COR. COPY

ORDINANCE NUMBER O- 21428 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 08 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONSTRUCTION CHANGE ORDER TO THE AGREEMENT WITH TC CONSTRUCTION COMPANY, INC. FOR THE PACIFIC BEACH PIPELINE SOUTH PROJECT (K-16-1306-DBB-3) ADDING AN ADDITIONAL \$2,593,000, AND AUTHORIZING THE CONTRACT WITH TC CONSTRUCTION COMPANY TO EXTEND AN ADDITIONAL SEVEN MONTHS BEYOND FIVE YEARS UNTIL DECEMBER 4, 2022.

WHEREAS, per San Diego Resolution R-310391 (May 3, 2016), the City entered into a contract for Pacific Beach Pipeline South (K-16-1306-DBB-3) (Project) with TC Construction Company, Inc. on May 27, 2016, for an amount not to exceed \$33,758,315 (Agreement); and

WHEREAS, the Project includes the replacement of approximately 7.6 miles of existing transmission and distribution mains along Ingraham Street, West Mission Bay Drive, Sports Arena Boulevard, Midway Drive, Enterprise Street, Pacific Highway, Kurtz, Hancock Street, California Street, West Walnut Ave, Vine Street, and Kettner Boulevard from Buena Vista and Ingraham Street intersection through Upas and Kettner Boulevard intersection; and

WHEREAS, the Project also includes demolition of the existing Pacific Beach Reservoir, abandonment of existing 16-inch pipeline from the reservoir through Tourmaline Street and Foothill Boulevard, and replacement of adjacent water mains along the limits described above; and

WHEREAS, the Project also includes the replacement and upsizing of 2.4 miles of sewer; and

WHEREAS, the Project is needed to provide water supply reliability to Pacific Beach by replacing 73-year-old deteriorating cast iron pipe, thereby increasing the capacity and allowing for increased operational flexibility; and

WHEREAS, the sewer portion of the project replaces old and deteriorating sewer mains and increases capacity of the existing sewer system; and

WHEREAS, the Agreement was signed and executed on May 27, 2016, which granted the Contractor 800 working days to complete the scope of work; and

WHEREAS, various unforeseen conditions were encountered throughout the project, resulting in additional costs and necessitating that the obligations under the Agreement to extend beyond five years; and

WHEREAS, this action will authorize the Mayor, or his designee, to execute Construction Change Order No. 10 with TC Construction for an agreed upon amount of \$2,593,000 for the unforeseen conditions that were encountered during construction, bringing the total construction cost of the Project to \$41,163,191.46; and

WHEREAS, this action will extend the Agreement further beyond the five-year mark until December 4, 2022, to allow for completion of the Project; and

WHEREAS, under Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, Construction Change Order No. 10 to the Agreement for an additional \$2,593,000, contingent upon the Chief Financial Officer issuing one or more certificates certifying that the funds necessary for expenditure under the established construction change order are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Doc. No. OO- 21428

Section 2. That the Council hereby authorizes the obligations of the Pacific Beach Pipeline South (K-16-1306-DBB-3) (Project) with TC Construction Company to extend an additional seven months beyond five years until December 4, 2022.

Section 3. That the Chief Financial Officer is authorized to transfer appropriations of \$2,593,000 from CIP A-KA.00003, Large Diameter Water Transmission PPL, to CIP S-12015, Pacific Beach Pipeline South project, within Fund 700010, Water Utility CIP; and is authorized to expend an amount up to \$2,593,000 from CIP S-12015, Pacific Beach Pipeline South project, Fund 700010, Water Utility CIP, for the purpose of the construction of the project.

Section 4. That the Chief Financial Officer is authorized to expend an agreed upon amount of \$2,593,000 for the Construction Change Order No. 10 for the Pacific Beach Pipeline South within CIP S-12015 Pacific Beach Pipeline South of which \$2,593,000 is from CIP A-KA.00003, Large Diameter Water Transmission PPL within Fund 700010, Water Utility CIP, contingent upon the Chief Financial Officer issuing one or more certificates certifying that the funds necessary for expenditures under the established construction change order, are, or will be, on deposit with the City Treasurer.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Adam R. Wander  
Adam R. Wander  
Deputy City Attorney

ARW:cw  
12/22/21  
02/04/22 COR. COPY  
Or.Dept: Engineering & Capital Projects  
CC No.: N/A  
Doc. No.: 2844738\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 25 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 2/8/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 25 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 08 2022.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 11 2022, and on FEB 08 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21428